

**MEDICAL EXAMINING BOARD
MINUTES
OCTOBER 19, 2011**

PRESENT: Carolyn Bronston; James Conterato, MD; LaMarr Franklin; Jude Genereaux; Raymond Mager, DO; Christopher Magiera MD; Suresh Misra, MD; Gene Musser, MD; Sandra Osborn, MD; Kenneth Simons, MD; Sheldon Wasserman, MD

EXCUSED: Azita Hamedani, MD; Sujatha Kailas, MD

STAFF: Tom Ryan, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff

GUESTS: Mark Grapentine, Wisconsin Medical Society; Judy Warmuth, WHA; Lou Falligant, WAPA; Jeremy Levin, RWHC; Suleiman Halaibeh, MD

CALL TO ORDER

Dr. Sandra Osborn, Vice Chair, called the meeting to order at 8:00 a.m. A quorum of eleven (11) members was confirmed.

INTRODUCTION OF BERNI MATTSSON

Tom Ryan introduced Berni Mattsson to the Board. Ms. Mattsson is a new Executive Director in the Division of Board Services and will be observing the meeting today.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS, add:
 - Azber A. Ansar, MD - 10 MED 290
 - Attorney Pamela Stach
 - Case Advisor – LaMarr Franklin
- Item 7d – PRESENTATION OF PETITION FOR SUMMARY SUSPENSION, add:
 - Gregory Goetz, MD – 11 MED 308
 - Attorney Aaron Konkol
 - Case Advisor – Sheldon Wasserman
- Item 7l – APPLICATION ISSUES, insert after page 16:
 - Review Malpractice Suites or Claims Form Document – Tamie Buckingham
- Item 8d – WRONG SITE SURGERY DISCUSSION, insert after page 36
 - Joint Commission Unveils Wrong Site Surgery Prevention Tool

- Item CS-2 – DELIBERATION OF STIPULATIONS, FINAL DECISIONS AND ORDERS, insert after page 250:
 - Azber A. Ansar, MD - 10 MED 290
 - Case Advisor – LaMarr Franklin
- Under DELIBERATION OF ITEMS RECEIVED IN THE BUREAU AFTER PREPARATION OF AGENDA, insert additional information after page 296:
 - Consideration of Complaints
 - 11 MED 308
 - 10 MED 368
 - Petitions for Summary Suspension
 - Gregory Goetz, MD – 11 MED 308
 - Attorney – Aaron Konkol
 - Case Advisor – James Conterato
 - Petitions for Extension of Time
 - Mirian Organ, MD – 10 MED 368
- Case Status Report – insert after page 320

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 21, 2011

MOTION: James Conterato moved, seconded by Kenneth Simons, to approve the minutes of September 21, 2011 as written. Motion carried unanimously.

ELECTION OF OFFICERS AND BOARD APPOINTMENTS

NOMINATION: James Conterato nominated Sheldon Wasserman for Chair.

Tom Ryan called for nominations a total of three times. Hearing no other nominations, a vote was called.

Sheldon Wasserman was elected Chair by unanimous vote.

NOMINATION: Carolyn Bronston nominated Gene Musser for Vice Chair.

Tom Ryan called for nominations a total of three times. Hearing no other nominations, a vote was called.

Gene Musser was elected Vice Chair by unanimous vote.

NOMINATION: Sandra Osborn nominated Jude Genereaux for Secretary.

Tom Ryan called for nominations a total of three times. Hearing no other nominations, a vote was called.

Jude Genereaux was elected Secretary by unanimous vote.

2012 Election Results

Chair	Sheldon Wasserman
Vice Chair	Gene Musser
Secretary	Jude Genereaux

Board Appointments

Screening Panel:	Tom Ryan will email Board members for monthly assignments.
Examiners (oral exams):	Tom Ryan will email Board members for monthly assignments.
Application Liaisons:	Raymond Mager, Sheldon Wasserman, Kenneth Simons (alternate)
Monitoring Liaison:	James Conterato
PAP Liaison:	Raymond Mager
Legislative Liaisons:	Christopher Magiera, Suresh Misra, Gene Musser, Kenneth Simons, Sheldon Wasserman
MOL/CME Workgroup:	Raymond Mager, Suresh Misra
Regulatory Digest Liaisons:	Carolyn Bronston, Jude Genereaux

MOTION: Christopher Magiera moved, seconded by Gene Musser, to delegate to the Chair or highest ranking officer of the Medical Examining Board, or the Board member with the most seniority to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

PRESENTATION OF PETITION FOR SUMMARY SUSPENSION

GREGORY GOETZ, MD

DOE staff, respondent's attorney Kevin Milliken and Dr. Gregory Goetz appeared before the Board. This matter will be deliberated in closed session.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

DOE Attorneys presented Proposed Stipulations, Final Decisions and Orders in the following disciplinary proceedings:

Sushil A. Sheth, MD
Robert Stoy, MD

09 MED 294
10 MED 073

Azber A. Ansar, MD

10 MED 290

These items will be deliberated in closed session.

ITEMS FOR BOARD DISCUSSION

Application Issues – Review Malpractice Suits or Claim Form Document

Tamie Buckingham appeared before the Board to discuss the documentation required for applicants with malpractice claims or suits.

Proposed Standardization of Application Attestation Questions

Chad Zadrazil reviewed the proposed standardization of application attestation questions with the Board.

Licensure Portability Grant: Multistate Agreement and Expedited Endorsement Process

Chad Zadrazil presented the Multistate Agreement and Expedited Endorsement Process documents to the Board for review.

MOTION: Christopher Magiera moved, seconded by Gene Musser, to adopt the Midwest Licensure Portability Task Force Declaration of Cooperation with a language change on Attachment 1 (Common Expedited Endorsement Eligibility Requirements); under Specialty Board Certification, the last sentence is changed to: Lifetime certificate holders that are not currently engaged in Maintenance of Certification (MOC) or Osteopathic Continuous Certification (OCC) do meet this requirement. Motion carried.

Report on Center for Personalized Education for Physicians Site Visit

Attorneys Sandy Nowack and Aaron Konkol reported on their site visit to Center for Personalized Education for Physician in Denver, Colorado

Wrong Site Surgery Discussion

The Board discussed wrong site surgeries.

FSMB First Call for Nominations of Candidates for Elective Office and Committee Appointment Recommendations

MOTION: Raymond Mager moved, seconded by LaMarr Franklin, to authorize Sandra Osborn to apply for the Nominating Committee, Gene Musser to reapply for the Education Committee and Tom Ryan to reapply for the

Bylaws Committee and apply for the Education Committee. Motion carried unanimously.

Maintenance of Licensure Update – Tom Ryan

Tom Ryan updated the Board on the Maintenance of Licensure pilot program.

Wis. Admin. Code MED Chapter 8 Update

Gene Musser and James Conterato updated the Board regarding possible changes to Wis. Admin. Code MED Chapter 8, relating to the physician to physician assistant supervision ratio.

Upcoming Outreach Opportunities

MOTION: Gene Musser moved, seconded by Sheldon Wasserman, to authorize Tom Ryan to give a presentation to the Wisconsin Hospital Association on November 3, 2011. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Gene Musser, to authorize Christopher Magiera to give a presentation to the Marathon County Medical Society on November 14, 2011. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Staff Updates

Kelli Kaalele is now the Division Administrator for Board Services, Jonathan Barry is the Division Administrator for Enforcement and Berni Mattsson is a new Executive Director in the Division of Board Services. The merger with former Commerce employees is moving forward.

LEGISLATIVE REPORT

The Senate confirmed the appointments of Kenneth Simons and Christopher Magiera.

SCREENING PANEL REPORT

Carolyn Bronston reported fifty five (55) cases were screened. Eighteen (18) cases were opened and four (4) ten-day letters were sent.

INFORMATIONAL ITEMS

The informational items were noted.

PUBLIC COMMENTS

There were no public comments.

OTHER BUSINESS

There were no additional items to discuss.

RECESS TO CLOSED SESSION

MOTION: LaMarr Franklin moved, seconded by Kenneth Simons, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: Carolyn Bronston-yes; James Conterato-yes; LaMarr Franklin-yes; Jude Genereaux-yes; Raymond Mager-yes; Christopher Magiera-yes; Suresh Misra-yes; Gene Musser-yes; Sandra Osborn-yes; Sheldon Wasserman-yes. Motion carried unanimously.

Open session recessed at 10:38 a.m.

RECONVENE IN OPEN SESSION

MOTION: Sheldon Wasserman moved, seconded by James Conterato, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:17 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to reaffirm all motions made in closed session. Motion carried unanimously.

FULL BOARD ORAL EXAMINATION

SULEIMAN A HALAIBEH, MD

MOTION: Gene Musser moved, seconded by Sheldon, to deny the request for licensure to Suleiman A. Halaibeh, MD. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

SUSHIL A SHETH, MD 09 MED 294

MOTION: Gene Musser moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Sushil A. Sheth, MD. Motion carried unanimously.

**ROBERT STOY, MD
10 MED 073**

MOTION: James Conterato moved, seconded by LaMarr Franklin, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Robert Stoy, MD. Motion carried unanimously.

**AZBER A ANSAR, MD
10 MED 290**

MOTION: Suresh Misra moved, seconded by Gene Musser, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Azber A. Ansar, MD. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER AND ANY OBJECTIONS

**STEVEN B GREENMAN, MD
DHA CASE SPS-11-0029/DOE 10 MED 370, 09 MED 143, 09 MED 142, 09 MED 081**

MOTION: Kenneth Simons moved, seconded by Carolyn Bronston, to adopt the Findings of Fact, Conclusions of Law and the Administrative Law Judge's Decision and Order in the disciplinary proceedings against Steven B. Greenman, MD. Motion carried. Gene Musser and James Conterato were excused during deliberations and abstained from voting.

PROPOSED ADMINISTRATIVE WARNINGS

10 MED 178

MOTION: Kenneth Simons moved, seconded by Sheldon Wasserman, to issue the Administrative Warning in case 10 MED 178. Motion carried. Gene Musser and James Conterato abstained.

10 MED 395

MOTION: Gene Musser moved seconded by LaMarr Franklin, to issue the Administrative Warning in case 10 MED 395. Motion carried unanimously.

CONSIDERATION OF COMPLAINT AND PETITION FOR SUMMARY SUSPENSION

**GREGORY GOETZ, MD
10 MED 308**

MOTION: Carolyn Bronston moved, seconded by Christopher Magiera, to find probable cause to issue a complaint in the matter of **10 MED 308**. Motion carried. James Conterato was excused during deliberation and abstained from voting.

MOTION: Kenneth Simons moved, seconded by LaMarr Franklin, to find that proper notice has been given and to adopt the Petition for Summary Suspension. Motion carried. James Conterato was excused during deliberation and abstained from voting.

CONSIDERATION OF COMPLAINT AND PETITION FOR EXTENSION OF TIME

**MIRIAN ORGAN, MD
10 MED 368**

MOTION: Jude Genereaux moved, seconded by Kenneth Simons, to find probable cause to issue a complaint in the matter of **10 MED 368**. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting.

MOTION: Kenneth Simons moved, seconded by Gene Musser, to grant the Petition for Extension of time to Mirian Organ, MD. Motion carried. Sheldon Wasserman was excused during deliberation and abstained from voting.

MONITORING

JOHN GREGORY HOFFMANN, MD

MOTION: James Conterato moved, seconded by Gene Musser, to deny the request for consideration of the final report on remedial education and reassessment and to refer the case to the Division of Enforcement. Motion carried unanimously.

CASE CLOSINGS

10 MED 184

MOTION: Suresh Misra moved, seconded by Kenneth Simons, to close case **10 MED 184** for prosecutorial discretion. Motion carried unanimously.

11 MED 028

MOTION: James Conterato moved, seconded by Carolyn Bronston, to close case **11 MED 028** for no violation. Motion carried unanimously.

11 MED 135

MOTION: James Conterato moved, seconded Sheldon Wasserman, to close case **11 MED 135** for compliance gained. Motion carried unanimously.

11 MED 142

MOTION: Suresh Misra moved, seconded by LaMarr Franklin, to close case **11 MED 142** for insufficient evidence. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Sheldon Wasserman moved, seconded by LaMarr Franklin, to ratify all licenses and certificates presented. Motion carried unanimously.

OTHER BUSINESS

There was no other business.

ADJOURNMENT

MOTION: LaMarr Franklin moved, seconded by Sheldon Wasserman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:18 p.m.